

**UNITED STATES DISTRICT COURT OF FLORIDA  
SOUTHERN DISTRICT OF FLORIDA**

**Case No.:**

**JOELLA R. TILLERY,**

**PLAINTIFF,**

**v.**

**CHRISTOPHER DAVON WHITE  
and UNITED STATES OF  
AMERICA,**

**DEFENDANTS.**

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**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

**JOELLA R. TILLERY**, by and through undersigned counsel, hereby sues Defendants, **CHRISTOPHER DAVON WHITE** and **UNITED STATES OF AMERICA**, and alleges as follows:

**JURISDICTION**

- 1) This action is brought pursuant to Federal Tort Claims Act, 28 U.S.C S. 2671, and the Fourth and Fifth Amendments to the United States Constitution. 28 U.S.C. S. 1331 and S. 1346(b).
- 2) On February 23, 2022, Plaintiff submitted an Administrative Claim for the claim set forth below to the **UNITED STATES OF AMERICA**.
- 3) Six months having elapsed, all conditions precedent to the Federal Tort Claims Act have been met.
- 4) Venue is properly within this District under 28 U.S.C. S. 1402(b) as the acts and/or

omissions complained of occurred in the Southern District of Florida.

**PARTIES/ GENERAL ALLEGATIONS**

- 5) At all times material hereto, Plaintiff, **JOELLA R. TILLERY**, was a resident of Broward County, Florida and is otherwise *sui juris*.
- 6) At all times material and relevant hereto, Defendant, **CHRISTOPHER DAVON WHITE**, was a resident of Broward County, Florida and is otherwise *sui juris*.
- 7) At all times material hereto, Defendant, **UNITED STATES**, was an independent establishment of the executive branch of the Government of the UNITED STATES OF AMERICA, lawfully created pursuant to 39 U.S.O. and providing postal services to the people of the United States.
- 8) The **UNITED STATES** is an appropriate Defendant under the Federal Tort Claims Act.
- 9) On or about April 29, 2020, Defendant, **UNITED STATES**, was the registered owner of a motor vehicle bearing Florida tag no. 1255002, which was operated by Defendant, **CHRISTOPHER DAVON WHITE**, at or near the intersection of Pembroke Rd. and S. Douglas Rd.
- 10) At that time and place, Defendant, **CHRISTOPHER DAVON WHITE**, was an employee of Defendant, **UNITED STATES**, and at all times material hereto, was acting within the course and scope of his employment with Defendant, **UNITED STATES**.

**COUNT I— MOTOR VEHICLE NEGLIGENCE  
AGAINST DEFENDANT, CHRISTOPHER DAVON WHITE**

**JOELLA R. TILLERY**, hereinafter reaffirms and re-alleges each and every allegation contained in the General Allegations, as fully set forth herein and further alleges:

- 11) On or about April 29, 2020, Defendant, **UNITED STATES**, owned a motor vehicle that was operated with its full permission and consent by Defendant, **CHRISTOPHER DAVON WHITE**, at or near the intersection of Pembroke Rd. and S. Douglas Rd.
- 12) At the aforementioned time and place Defendant, **CHRISTOPHER DAVON WHITE**, negligently operated and/or maintained the motor vehicle so as to cause it to collide with the motor vehicle that Plaintiff was a passenger in.
- 13) As a direct and proximate result of one or more of the above-mentioned acts of negligence or omissions, Plaintiff, **JOELLA R. TILLERY**, suffered serious personal injuries, pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect, loss of capacity for the enjoyment of life, expense of hospitalization, expense of medical care, expense of nursing care and medical treatment, loss of earnings in the past and loss of ability to earn money in the future. These losses are permanent and continuing in nature and **JOELLA R. TILLERY** will continue to suffer these losses in the future.

**WHEREFORE**, Plaintiff, **JOELLA R. TILLERY**, hereby demands judgement for damages, costs and interest against Defendants together with whatever other relief the Court deems just and appropriate.

**COUNT II— DANGEROUS INSTRUMENTALITY AGAINST  
DEFENDANT, UNITED STATES**

**JOELLA R. TILLERY**, hereinafter reaffirms and re-alleges each and every allegation contained in the General Allegations, as fully set forth herein and further alleges:

- 14) On or about April 29, 2020, Defendant, **UNITED STATES**, owned a motor

vehicle that was operated with its full permission and consent by Defendant, **CHRISTOPHER DAVON WHITE**, at or near the intersection of Pembroke Rd. and S. Douglas Rd.

- 15) At the aforementioned time and place Defendant, **CHRISTOPHER DAVON WHITE**, negligently operated and/or maintained the motor vehicle so as to cause it to collide with the motor vehicle that Plaintiff was a passenger in.
- 16) Defendant, **UNITED STATES**, is strictly and vicariously liable, under the Dangerous Instrumentality doctrine, for the damages caused to Plaintiff, **JOELLA R. TILLERY**, resulting from the negligent entrustment of the subject vehicle to Defendant, **CHRISTOPHER DAVON WHITE**.
- 17) As a direct and proximate result of one or more of the above-mentioned acts of negligence or omissions, Plaintiff, **JOELLA R. TILLERY**, suffered serious personal injuries, pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect, loss of capacity for the enjoyment of life, expense of hospitalization, expense of medical care, expense of nursing care and medical treatment, loss of earnings in the past and loss of ability to earn money in the future. These losses are permanent and continuing in nature and **JOELLA R. TILLERY** will continue to suffer these losses in the future.

**WHEREFORE**, Plaintiff, **JOELLA R. TILLERY**, hereby demands judgement for damages, costs and interest against Defendants together with whatever other relief the Court deems just and appropriate.

**COUNT III—RESPONDEAT SUPERIOR AGAINST DEFENDANT, UNITED STATES**

**JOELLA R. TILLERY**, hereinafter reaffirms and re-alleges each and every allegation contained in the General Allegations, as fully set forth herein and further alleges:

- 18) On or about April 29, 2020, Defendant, **UNITED STATES**, owned a motor vehicle that was operated by Defendant, **CHRISTOPHER DAVON WHITE**, at or near the intersection of Pembroke Rd. and S. Douglas Rd.
- 19) At the aforementioned time and place Defendant, **CHRISTOPHER DAVON WHITE**, negligently operated and/or maintained the motor vehicle so as to cause it to collide with the motor vehicle Plaintiff was a passenger in.
- 20) At all times material hereto, Defendant, **CHRISTOPHER DAVON WHITE** was Defendant's, **UNITED STATES**, agent, servant and/or employee.
- 21) At all times material hereto, Defendant, **CHRISTOPHER DAVON WHITE**, was acting within the course and scope of his agency, service, and/or employment with Defendant, **UNITED STATES**.
- 22) At all times material hereto, Defendant, **UNITED STATES**, had the right to exercise full control over and did in fact exercise full control over Defendant's, **CHRISTOPHER DAVON WHITE**, agency, service and/or employment with Defendant, **UNITED STATES**.
- 23) Pursuant to the doctrine of *respondeat superior*, Defendant, **UNITED STATES**, is vicariously liable for the negligent acts and/or omissions of Defendant, **CHRISTOPHER DAVON WHITE**.
- 24) As a direct and proximate result of one or more of the above-mentioned acts of negligence and/or omissions of Defendant, **CHRISTOPHER DAVON WHITE**, and the resulting vicarious liability of Defendant, **UNITED STATES**, Plaintiff,

**JOELLA R. TILLERY**, suffered serious personal injuries, pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect, loss of capacity for the enjoyment of life, expense of hospitalization, expense of medical care, expense of nursing care and medical treatment, loss of earnings in the past and loss of ability to earn money in the future. These losses are permanent and continuing in nature and **JOELLA R. TILLERY** will continue to suffer these losses in the future.

**WHEREFORE**, Plaintiff, **JOELLA R. TILLERY**, hereby demands judgement for damages, costs and interest against Defendants together with whatever other relief the Court deems just and appropriate.

**DEMAND FOR JURY TRIAL**

**JOELLA R. TILLERY** does hereby demand trial by jury of all issues so triable as a matter of right.

Dated: August 29, 2022.

**LAW OFFICE OF IRWIN AST**

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